

Before the  
**Federal Communications Commission**

Washington, D.C. 20554

In the Matter of

Amendment of Section 73.202(b)  
(Table of Allotments)  
FM Broadcast Stations

Atlantic and Audubon, Iowa

) MM Docket No. 95-124  
) RM-8573  
)  
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OFFICE OF THE SECRETARY

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To: Chief, Allocations Branch  
Policy and Rules Division

**RESPONSE TO REPLY COMMENTS OF  
WIRELESS COMMUNICATIONS CORP.**

Meredith Communications, L.C. ("Meredith"), by and through counsel, hereby submits its Response to the Reply Comments of Wireless Communications Corp. ("Wireless") filed in the above-captioned rule making proceeding. In support whereof, the following is shown<sup>1</sup>:

1. In its Comments and Counterproposal filed on September 18, 1995, Meredith requested the Commission to deny Wireless' proposed allotment of Channel 239C3 to Atlantic, Iowa. Meredith requested modification of the community of license of Meredith's FM station, KSOM, from Audubon, Iowa, to the hyphenated community of license of Audubon-Atlantic, Iowa. In its Reply Comments, Wireless argues that Meredith's Counterproposal is procedurally defective because Meredith has not been the licensee of KSOM(FM) for at least a year and that Meredith was required to provide "the notification

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<sup>1</sup> Meredith is simultaneously filing a Motion to accept this response.

required by the Commission." Reply Comments at footnote 2 citing Modification of FM and TV Authorizations to Specify a New Community of License, 5 FCC Rcd 7094, 7097 (1990)("New Community of License"). The certification requirement is not applicable in this case.

2. In New Community of License, the FCC stated that parties seeking a change of community of license for a new FM or TV station that have been a permittee or licensee for less than one year, should state in their petitions whether they obtained the permit in a comparative hearing and, if so, if they sought a preference or local residence and/or daytimer preference. 5 FCC Rcd 7097, ¶21. In its Counterproposal, Meredith did not seek to change the community of license of KSOM or to reallocate the station from one community to another but rather sought to add "Atlantic, Iowa" to the station's community of license. Since Meredith did not seek to reallocate an FM allotment, no certification was necessary in this case. The purpose of the certification was to ensure that permittees that had received preferences for local residence and/or daytimer operation in a comparative hearing not be permitted to immediately change the community of license of their stations and abandon the community they originally sought in the comparative hearing.<sup>2</sup> Wireless has not shown that Meredith's Counterproposal is procedurally defective and Wireless' objection should be denied.

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<sup>2</sup> In addition, Meredith did not receive the construction permit for KSOM through a comparative hearing. Having prosecuted a mutually-exclusive application to Meredith's application for new FM station at Audubon, Wireless is aware that while those applications were designated for hearing, a settlement between the parties was reached and no comparative hearing was held. Therefore, Meredith did not receive its application through a comparative hearing.

Respectfully submitted,

**MEREDITH COMMUNICATIONS, L.C.**

By: 

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October 13, 1995

ATLANTIC.IA/DF/RESPONSE

**CERTIFICATE OF SERVICE**

I, Denise Felice, a secretary in the law firm of Smithwick, & Belendiuk, P.C., certify that on this 13th day of October, 1995, copies of the foregoing were sent by first class mail, postage prepaid, to the following:

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Denise Felice